IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.73187-M of 2006
Date of Decision:- 29.1.2007

Anil ....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Reply filed on behalf of the respondents in Court today is taken on record.

The petitioner, who is a life convict, is aggrieved at the order dated 30.10.2006 (Annexure P-1) whereby he has been denied parole for agricultural purposes on the ground that there is no land in his possession.

Under Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, a prisoner can be released on parole for agricultural operations provided he is in cultivating possession of his own land and/or an undivided land owned by his father.

From the report of the District Magistrate, Hissar, as also from the Jamabandies for the year 2003-2004 placed on record, it appears that the petitioner as well as his father are in possession of the agricultural land.

Though the petitioner has been convicted for a heinous offence, however, the respondents themselves have taken a stand in the written statement that earlier also, he was released on parole and he did not misuse the same.

From the above-noticed facts and circumstances, it is apparent that the petitioner's case requires re-consideration.

Consequently, this petition is allowed to the extent that the impugned order dated 30.10.2006 (Annexure P-1) is quashed and the Director General of Prisons, Haryana is directed to re-consider the petitioner's case after getting the facts re-verified in the light of the observations made hereinabove and pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**